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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,620	04/07/2005	Vincentius Paulus Buil	NL 021025	6984

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

BELOUSOV, ANDREY

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

08/27/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/530,620

**Applicant(s)**

BUIL ET AL.

**Examiner**

ANDREY BELOUSOV

**Art Unit**

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to the amendment filed on May 19, 2008. Claims 1-5 and 7 are pending and have been considered below. Claim 6 has been canceled.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Khosla et al. (6,202,061.)

**Claim 1, 3, 5:** Khosla discloses a system (Fig. 2) for enabling a user to manipulate a user interface (Fig. 2: 511, 513, 517, 519), the system comprising:

- a. receiving means (Fig. 2: 519, 517) conceived to receive a selection (Fig. 9: 901: criteria; e.g. select all images with "roses") from the user;
- b. obtaining means (Fig. 2: 505, 507, 509, 515) to obtain (Fig. 9: 903, 905: search and display) at least one collection (Fig. 9: 905: the set comprising the search results) that matches the selection (Fig. 9: 905: "images found in the search");
- c. generating means (Fig. 2: 501) conceived to generate a generated-collection (Fig. 9: 911: "new album") that comprises the at least one item (Fig. 9: 905: "images found in the search",) wherein each item in the generated-collection

matches the selection (criteria: Fig. 9: 901; Fig. 9: 911: "pictures found in the search"); and

- d. presentation means (Fig. 2: 511, 513) conceived to present to the user, through the user interface (Fig. 2: 511, 513, 517, 519), an overview of the generated-collection (12:12-17; 14:23-29; Fig. 12D: region 309) and the at least one collection (Fig. 9: 905: the set comprising the search results is displayed) that matches the selection (Fig. 9: 905: "images found in the search".)

### ***Claim Rejections - 35 USC § 103***

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2, 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khosla.

**Claim 2, 4, 7:** Khosla discloses a system for enabling a user to manipulate a user interface according to claim 1,

- a. wherein a selection-criterion (search parameters/criteria: Fig. 9: 901) defines the selection, the at least one item is labeled by an item-label (e.g. "Roses": Fig. 8A: 810a), the at least one collection is labeled by a collection-label (Fig. 12E: 805, "Sample Album"); and

- b. the generated-collection comprises the at least one item of which the item-label (e.g. "roses": Fig. 8A: 810a) matches the selection-criterion (Fig. 9: 901: criteria; e.g. select all images with "picture name" of "roses"); and
- c. the overview (12:12-17; 14:23-29; Fig. 12D: region 309) comprises the generated-collection (12:12-17)

However, Khosla does not explicitly disclose that the at least one collection of which the collection-label matches the selection-criterion.

The Examiner takes Official Notice that it is old and well known in the computing arts to allow custom naming of collections, such as an album. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user to name the album, and it would have been a mere design choice to name it, for example, "roses" or other search corresponding title such that it would match the selection-criterion. One would have been motivated to name a collection to correspond to a selection-criterion for subsequent retrieval without having to look through all collections.

#### ***Response to Arguments***

- 4. Applicant's arguments filed May 19, 2008 have been fully considered but they are not persuasive.
- 5. Applicant argues that the overview contains two items:
  - a. the at least one collection that matches the selection, and
  - b. the generated-collection

Examiner respectfully disagrees. The claim language is recited in claim 1, is open to the interpretation that the presentation means are merely capable (conceived to) of presentation of collection type items (such as the two listed above) in an overview type presentation, whether such two items are presented simultaneously is not a limitation found in the claim language.

6. Applicant's arguments with regard to the generated album not matching the selection (on page 5), and additional argument with respect to manual process (on page 6) is addressed by proper citations in the rejection above.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P Sax/  
Primary Examiner, Art Unit 2174

AB  
August 22, 2008